

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Babcock, Inc.
14930 East Alondra Blvd.
La Mirada, CA 90638-6500

ID No: CA0 000 368 910

Respondent

Docket No.:

HWCA SRPD02/03 NAE0-1300

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

The California Department of Toxic Substances Control (Department), issues this Enforcement Order to Babcock, Inc. (Respondent).

1.1. Site. Respondent generates and treats hazardous waste at the following site: 14930 East Alondra Blvd in La Mirada, California (Site). The Respondent generates the following hazardous wastes: metal- and cyanide-bearing rinse waters from electroplating operations, metal-bearing waste residues from onsite waste water treatment, waste organic solvents, waste lubricating oil, and waste residue from metal polishing.

1.2. Inspection. The Department inspected the Site on March 15, 2003.

1.3. Permit/Interim Status. The Respondent is authorized by the Los Angeles County Certified Unified Program Agency (CUPA) to treat certain wastes generated in electroplating operations under a Permit by Rule. The Respondent uses pH neutralization, metals precipitation, and gravity sedimentation to treat hazardous wastes. Metal-bearing

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residues from waste treatment are transferred to a permitted offsite facility for treatment, and treated water is discharged to the sewer.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. Respondent violated Health and Safety Code section 25201, in that, on or about January 3, 2002, through March 19, 2003, Respondent stored hazardous waste in containers without authorization by the Department.

2.2. Respondent violated California Code of Regulations, title 22, section 67450.3, subdivision (c)(5), in that, on or about April 11, 2002, Respondent exceeded the discharge limit established by the local sanitation district for the discharge of treated waste water containing zinc from an authorized hazardous waste treatment unit into the sewer.

2.3. Respondent violated California Code of Regulations, title 22, section 66265.192, in that, during the period beginning not later than 1994 and continuing to the present, Respondent failed obtain a written assessment reviewed and certified by a qualified independent professional engineer attesting that tanks installed and operated at the facility have sufficient structural integrity and are acceptable for the transferring, storing and treating of hazardous waste, prior to placing the tanks in service.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Respondent has already submitted documentation and certification that show violations 2.1 and 2.2 have been adequately corrected or addressed. No further corrective action is required of Respondent with respect to these violations.

3.1.2. Within thirty day of the effective date of this Enforcement Order, Respondent shall submit an assessment for all hazardous waste tanks on its facility, in full compliance with the requirements of California Code of Regulations, title 22, section 66265.192.

3.1.3. Immediately, and for a period thereafter of not less than five years, Respondent shall maintain this Enforcement Order as part of its operating record.

3.2. Submittals. All submittals from a Respondent pursuant to this Enforcement Order shall be sent to:

Mr. Charles McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

Mr. Bill Jones, Director
Los Angeles County Fire Department
5825 Rickenbacker Road
Commerce, CA 90040-3027

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondent in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be

construed to relieve Respondent of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Enforcement Order fails to comply with the Order or fails to protect public health, safety, or the environment, the Department may:

- a. Modify the document as deemed necessary and approve the document as modified, or
- b. Return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws. Respondent shall carry out this Enforcement Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation. In the event that the Department determines that any circumstance or activity (whether or not pursued in compliance with this Enforcement Order) creates an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further implementation of this Enforcement Order for such period of time as needed to abate the endangerment. Any deadline in this Enforcement Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability. Nothing in this Enforcement Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent. Notwithstanding compliance with the terms of this Enforcement Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access. Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Enforcement Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Enforcement Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Enforcement Order.

3.9. Sampling, Data and Document Availability. Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent, or on Respondent's behalf, in any way pertaining to work undertaken pursuant to this Enforcement Order. Respondent shall allow the Department and its authorized representatives to take duplicates of any samples

collected by Respondent pursuant to this Enforcement Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Enforcement Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Enforcement Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Enforcement Order.

3.10. Government Liabilities. The Department shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties in carrying out activities pursuant to this Enforcement Order, nor shall the Department be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Enforcement Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Enforcement Order are incorporated in this Enforcement Order upon approval by the Department.

3.12. Extension Requests. If Respondent is unable to perform any activity or submit any document within the time required under this Enforcement Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals. If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Action. By issuance of this Enforcement Order, the Department does not waive any right to take further action within its jurisdiction involving either Respondent(s) or the Site.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Enforcement Order may subject Respondent to costs, penalties, and/or punitive damages for any and all costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound. This Enforcement Order shall apply to and be binding upon Respondent, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Enforcement Order means calendar days.

PENALTY

5.1. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondent's penalty at \$37,737.50 plus additional penalties of \$210.00 per day from August 27, 2003, until violation 2.3 is corrected.

5.2. Payment is due within 30 days from the effective date of this Enforcement Order. Respondent's check shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

James J. Grace
Staff Counsel
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd Floor
Sacramento, California 95812-0806

RIGHT TO A HEARING

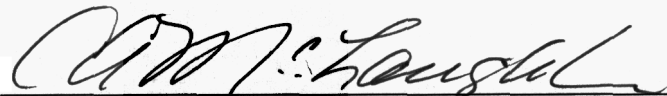
6. Respondent may request a hearing to challenge this Enforcement Order.

Appeal procedures are described in the attached Statement to Respondent.

EFFECTIVE DATE

7. This Order is final and effective twenty days from the date of mailing, which is the date of the cover letter transmitting the Order to Respondent, unless Respondent requests a hearing within the twenty-day period.

Dated: 15 Sep 03



Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control

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